

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl.No. 3961 of 2007(M)

CRIME NO.340/07 OF TOWN EAST POLICE STATION, THRISSUR
.....

PETITIONER ACCUSED NO.3,4, & 2.

1. M.SELVARANGAM,59 YEARS,GRACE BHAVAN,
GANDHI NAGAR, CHEROOR P.O.,THRISSUR DIST.
2. C.P.MARY,58 YEARS,W/O.SELVARANGAM
GANDHI NAGAR,CHEROOR P.O.,
THRISSUR DIST.
3. SHEEBA,31 YEARS,W/O.BINU JACOB,
GANDHI NAGAR, CHEROOR P.O.,THRISSUR DIST.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 3961 of 2007

Dated this the 6th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 3, 4 and 2 respectively in a crime registered under section 420 I.P.C. The defacto complainant is one Joy, who is related to the petitioners. The first accused is the son and the second accused is the daughter of accused 3 and 4.

2. The crux of the allegations is that the defacto complainant as well as 21 others had parted with an amount of Rs.20.6 lakhs on the promise that they will be given employment abroad. The defacto complainant alleges that he and others were induced by accused 1 to 4 to part with money. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

3. The learned counsel for the petitioners submits that the first petitioner had earlier approached the learned Sessions Judge for an order of anticipatory bail and at that time the petition was dismissed, though interim bail was initially granted, on the ground that there is no crime alleged against the first petitioner. The learned counsel for

the petitioners submits that as a matter of fact they have nothing to do with the alleged crime. It is the defacto complainant who is really responsible for the commission of the alleged crime. He had collected amounts from job seekers and to save his skin he is making false allegations against the petitioners. In these circumstances it is prayed that anticipatory bail may be granted to the petitioners.

4. The learned Prosecutor opposes the application. Having considered all the relevant inputs, I am satisfied that this is a case where the learned Magistrate must be directed to consider the regular bail applications to be filed by the petitioners on merits and pass appropriate orders. Appropriate safeguards can also be provided to ensure that they are not arrested and detained in prison before the learned Magistrate considers their applications for bail on merits.

5. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall appear before the learned Magistrate having jurisdiction on 16.7.2007 at 11 a.m. They may file applications for bail after giving prior notice to the Prosecutor in charge of the case on or

before 13.7.2007. The learned Magistrate must consider such applications for bail, if any filed, on merits, in accordance with law and expeditiously and pass appropriate orders on the date of surrender itself.

(b) The petitioners as also the prosecution shall be entitled to place all the relevant materials and seek appropriate orders/directions from the learned Magistrate on 16.7.2007.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 16.7.06 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to his surrender on 16.7.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 16.7.2007.

(R. BASANT)
Judge